

Statement to INAN Committee

My name is Clément (Clem) Chartier. I am from northwest Saskatchewan, currently living in Saskatoon, Saskatchewan.

I have served the Red River Métis (the Métis Nation) in various capacities over the past 50 years.

In a political leadership capacity, I have served as follows:

- May 1982 - May 1985, Vice-President, Association of Métis and Non-Status Indians of Saskatchewan (now the Métis Nation – Saskatchewan);
- March 1983 -November 1983 and October 1984 - April 1985, National Representative (President) of the Métis National Council;
- February 1998 - January 2004, President, Métis Nation-Saskatchewan; and
- October 2003 to September 29, 2021, President, Métis National Council.

I also served as Chief Constitutional Counsel for the Native Council of Canada from August 1981 to May 1982, and as an advisor to the Métis National Council between 1985 to 1992 at all constitutional conferences in the 1980s when I was not engaged in a political role, as well as during the 1991/1992 Charlottetown constitutional talks.

In March 1983 as National Representative of the newly formed Métis National Council I signed the first amendments to the *Constitution Act, 1982* along with other Indigenous leaders and First Ministers.

After leaving the Native Council of Canada (NCC) and forming the Métis National Council (MNC) on March 8, 1983 the three prairie Métis organizations stated that never again would we allow another pan-Aboriginal organization to speak on behalf of the Métis Nation. We also

issued a statement that year by which we described our people and homeland as having emerged in what was then described as the old Northwest (of Canada) through a process of ethnogenesis. We stated at that time that this geographic area is now encompassed by the three prairie provinces, north-eastern British Columbia, part of the Northwest Territories, northwestern Ontario and a portion of the northern United States,

This ethnogenesis resulted in the development of our own language (Michif), forms of music and dance, including the Red River Jig, dress/clothing, beadwork, foods, cultural traditions, a flag and inventions such as the Red River cart and York boat which were instrumental in the niche we carved out for ourselves in the fur trade and buffalo hunts. The fur trade, the buffalo hunts, and carting/freighting which were at the core of our economy throughout our homeland also helped forge our sense of community and nationhood, strengthened by our extensive kinship connections.

This ethnogenesis also witnessed the development of a distinct political consciousness and sense of solidarity and military strength which were evident at the 1816 Battle of the Frog Plain, also known as Seven Oaks, today situated in the City of Winnipeg, the 1851 battle of the Grand Couteau engaging the Sioux in North Dakota, the 1869/70 Red River Resistance and the Battle of Batoche, 1885, along with the establishment of two provisional governments in 1869/70 and 1884/85 at the Red River and Saskatchewan Valley respectively.

We have consistently described our homeland as set out in 1983. This is consistent with Supreme Court of Canada, wherein Chief Justice McLaughlin in the 2011 *Cunningham* decision on behalf of the Court stated at para. 5:

The Métis were originally the descendants of eighteenth-century unions between European men — explorers, fur traders and pioneers — and Indian women, mainly on the Canadian plains, which now form part of Manitoba, Saskatchewan and Alberta.

With new research it has become apparent that our understanding of the extent of our geographic homeland is not as extensive as we thought it was. For example, it has become clear that while we have thousands of Red River Métis (Métis Nation) citizens living in British Columbia our people did not begin moving there, and in particular into northeastern BC, until the late 1800s or early 1900s.

While we have also relied on the 1875 Half-Breed Adhesion to Treaty 3 to state that northwestern Ontario was/is part of our homeland, new research being undertaken will help clarify whether and to what extent our homeland extends into what is now known as the province of Ontario.

While the MNC did not have a specific definition or criteria for identification of our citizens we knew where our people lived historically which formed the basis for our representative organizations. Shortly after the founding of the MNC in March 1983 we accepted the Métis living in BC to join, as we knew they were our relatives who had moved over the past number of decades into that province.

During the 1991/1992 Charlottetown Constitutional Round of negotiations, we (MNC) were successful in getting a Métis Nation – Canada process which included the federal government and the provinces of Manitoba, Saskatchewan, Alberta, British Columbia, Ontario and the Northwest Territories.

The Métis Nation - Northwest Territories and the Ontario Metis Aboriginal Association (OMAA) were included in the Charlottetown Constitutional Round through a political accord with the MNC. OMAA, which was primarily a non-Status Indian organization with Métis members, was fully engaged in this process, including the resulting Métis Nation Accord, which was a companion agreement to the Charlottetown Accord.

The definition of Métis that everyone agreed to, including OMAA, from which the MNO evolved, tied being Métis to those who were descendants of the s.31 *Manitoba Act, 1870* Métis land grant intended recipients and the Métis who participated in the Métis scrip system under the *Dominion Lands Act*. The draft Accord provided the following definition of “Métis”:

- a) “Métis” means an Aboriginal person who self-identifies as Métis, who is distinct from Indian and Inuit and is a descendant of those Métis who received or were entitled to receive land grants and/or scrip under the provisions of the Manitoba Act, 1870, or the Dominion Lands Act, as enacted from time to time.

The draft Accord also contained a definition of Métis Nation:

- b) “Métis Nation” means the community of Métis persons in subsection a) and persons of Aboriginal descent who are accepted by that community.

These definitions were the result of negotiations with the relevant governments and consultation with our constituents over the duration of the Charlottetown constitutional round. Of note, the acceptance of persons of Aboriginal descent referred to those Aboriginal persons who had joined our prairie Métis organizations over the previous several decades, and not those who had no connection to our Nation, such as those in Ontario, Quebec, the Maritime provinces and the Yukon.

Until the MNC General Assembly resolution adopted in 2002 setting out the definition or criteria necessary for identifying Métis individuals, the definition in the 1992 Métis Nation Accord provided guidance as to who was eligible for Métis Nation citizenship. This definition basically coincided in large measure with the geographic territory covered by the s. 31 land grants and the scrip commissions under the *Dominion Lands Act* which sat throughout the prairie provinces and the Northwest Territories.

As for Ontario, as mentioned above, while scrip commissions did not go into what is now the province of Ontario, there was the 1875 Half-Breed Adhesion to Treaty 3 which Treaty was concluded in 1873. This however was not referenced in the 1992 Métis Nation Accord as being part of the definition of Métis.

After the defeat of the Charlottetown Accord in October 1992, and along with it, the Métis Nation Accord, the Métis Nation – Northwest Territories chose not to join the MNC as it did not agree with the criteria of being Métis-only and having ballot-box elections. In 1994 the Métis

Nation of Ontario, formerly represented by OMAA, joined the MNC based on the understanding that MNO must be Métis-only and have ballot-box elections.

It was also understood that the MNO would abide by the MNC's position of who the Métis are and where its homeland is. At that time, we (MNC) understood that MNO would represent the Métis Nation citizens who had moved from our homeland into Ontario, as well as those in Northwestern Ontario.

A few years later it became apparent that the MNO was using a membership application form which only required one grandparent who was either, Indian, Inuit or Metis in order to become a member of the MNO. This was confirmed in testimony at the *Powley* trial in 1998 where Mr. Tony Belcourt, MNO President and Registrar under oath in cross-examination by the Crown admitted that anyone of Aboriginal ancestry, Indian, Inuit or Métis as set out in s.35(2) of *the Constitution Act, 1982* was eligible for membership in the MNO.

In 2002 the MNC GA unanimously adopted the following definitions after several years of consultations with their constituents:

Métis means a person who self-identifies as Métis, is of historic Métis Nation ancestry, is distinct from other Aboriginal peoples and is accepted by the Métis Nation.

“Historic Métis Nation” means the Aboriginal people then known as Métis or Half-Breeds who resided in the Historic Métis Nation Homeland.

“Historic Métis Nation Homeland” means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half-Breeds as they were then known.

"Métis Nation" means the Aboriginal people descended from the Historic Métis Nation, which is now comprised of all Métis Nation citizens and is one of the "Aboriginal peoples of Canada" within s.35 of the *Constitution Act of 1982*.

"Distinct from other Aboriginal peoples" means distinct for cultural and nationhood purposes.

Of note, the new definition of "Métis Nation" did not include the reference to persons of Aboriginal descent being included.

While the MNO was part of the MNC GA in 2002 which adopted the definition of Métis, the MNO did not adhere to subsequent MNC GA resolutions dealing with citizenship, insisting on applying the definition as they saw fit. This was the case although they, as well as the other four Governing Members, amended their constitutions or bylaws incorporating the 2002 definition.

For example, in 2004 the MNC GA adopted a resolution by which all Governing Members must re-register their members/citizens based on the 2002 definition thereby excluding former members of Aboriginal descent who did not meet the new definition. All Governing Members, except for the MNO agreed, and did so. MNO refused saying it was grandfathering-in all their existing members.

The MNC GA passed resolutions foreclosing the MNO grandfathering-in its previous members accepted before the application of the 2002 criteria, and also passed a Métis Nation Homeland resolution in 2013 confirming that there is only one Métis Nation, as well as its geographic homeland:

WHEREAS the Métis emerged as a distinct Aboriginal people in what was then known as the historic Northwest.

AND WHEREAS there is only one Métis Nation.

AND WHEREAS the Supreme Court of Canada in the *Cunningham* case acknowledged that the Métis “mainly emerged in the prairies in the provinces which are now Manitoba, Saskatchewan and Alberta”.

AND WHEREAS legal counsel in harvesting rights litigation have consistently argued that the Métis homeland is specific to the Northwest.

BE IT THEREFORE RESOLVED THAT this General Assembly re-affirms that there is only one Métis Nation, and that the geographic homeland of the Métis Nation is the historic Northwest which entered into confederation in 1870 through the negotiations of the Métis Provisional Government led by President Louis Riel.

BE IT FURTHER RESOLVED THAT the term “west central North America” in the 2002 definition of Métis means the “historic Northwest”.

While the MNO continued refusing to abide by the MNC GA resolutions dealing with the 2002 Métis definition and its clear statements of geographic homeland of the Métis Nation, no formal action was taken by the MNC GA until after the MNO and the government of Ontario in August 2017 declared the existence of six “new historic” Métis communities in Ontario. This prompted the MNC GA in December 2017 to mandate by resolution the MNC President to undertake an examination of the MNO and its declaration of the new historic communities in Ontario.

In the 2003 *Powley* decision the Supreme Court of Canada found that there was a Métis community at Sault Ste Marie and environs. It also opined that there were likely more than one Métis community in Canada. It should be noted that the *Blais* case dealing with the NRTA 1930 and the Métis in Manitoba was released at the same time as the *Powley* decision. Clearly the

SCC would be aware of, and informed by, the existence of the Métis Nation in the west while it was making its ruling in *Powley*.

But for the SCC decision in *Powley*, re Sault Ste Marie, and arguably, a portion of northwestern Ontario, the August 2017 declaration of Metis communities in Ontario have not been proven beyond internal studies undertaken by the MNO and Ontario. It should be noted that the MNC was never once consulted by the MNO or Ontario on the research undertaken, nor the declaration of new historic Métis communities made in August 2017.

As with Northwestern Ontario mentioned above, similarly, while the SCC in *Powley* found a Métis community to exist in Sault Ste Marie and environs, research since that ruling has clearly established that that area of Ontario is not part of the Métis Nation (Red River Métis).

At the November 2018 MNC GA resolutions were passed adopting a homeland map which extended into a portion of northwestern Ontario, as well as the suspension of the MNO with a one-year probation period (grace period) for them to meet stipulated conditions. This included re-registering legitimate Métis Nation citizens who met the 2002 GA definition and are connected to the historic Métis Nation homeland as set out in the homeland map, as well as allowing a committee of prairie Métis registrars to audit their citizenship registry.

None of these conditions were met, or even attempted to be met, with the President of the MNS, joining the President of the Métis Nation of Alberta (MNA), for purely political reasons, in support of the MNO and its status-quo position on membership and homeland.

This prompted the Manitoba Métis Federation (MMF) on September 29, 2021 to withdraw its membership in the MNC, acting on a resolution unanimously adopted by 3,000 delegates at their 2019 Annual General Assembly authorizing their leadership to do so, if the MNA and the MNS were to bring the MNO back in.

This was consistent with the March 1983 statement/declaration that never again would the Métis Nation (Red River Métis) allow any pan-Aboriginal organization to speak on its behalf. With the MNO's continued participation in the MNC, the MNC has become a pan-Aboriginal organization and has lost its legitimacy to represent the Métis Nation (Red River Métis).

In conclusion, while I am a strong advocate for the right of our people and nation to self-determination, and all that it entails, as a citizen of the Red River Métis (Métis Nation) represented by the Manitoba Métis Federation, the National Government of the Red River Métis, I am fully supportive of, and in agreement with, the position and recommendations put forward by my government.